

Sec.	Twp.	Range

ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING

204-255



LIST ALL FOLIO #S: 30-5020-000-0740 / 30-5021-000-0252 / 30-5020-035-0010 / 30-5020-000-0660

1. NAME OF APPLICANT (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Irwin Potash, et al: See attached Exhibit "A"

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 999 Ponce de Leon Boulevard, Suite 1000

City: Coral Gables State: Florida Zip: 33134 Phone#: 305-444-1500

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): See Attached Exhibit "A"

Mailing Address: 999 Ponce de Leon Boulevard, Suite 1000

City: Coral Gables State: Florida Zip: 33134

4. CONTACT PERSON'S INFORMATION:

Name: Jeffrey M. Flanagan, Esq. Company: Carlos Williard & Flanagan, P.A.

Mailing Address: 999 Ponce de Leon Boulevard, Suite 1000

City: Coral Gables State: Florida Zip: 33134

Phone#: 305-444-1500 Fax#: 305-443-8617

E-mail: Jeffreyf@cwfp.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, and range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

See Attached Exhibit "B"

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

North of SW 152 Street between C-100 Canal and 98 Avenue

7. SIZE OF PROPERTY (in acres): (+/-) (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE Property ☒ acquired ☐ leased: 1969 / 1995 **9. Lease term:** _____ years

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property.

N/A

11. Is there an option to purchase ☒ **or lease** ☐ **the subject property or property contiguous thereto?**

☐ no ☒ yes (If yes, identify potential purchaser or lessee and complete Disclosure of Interest' form)

Robert J. Shelley and Douglas F. Landsea

12. PRESENT ZONING CLASSIFICATION: AU; EU-1; EU-M (See Exhibit "C")

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided) (DBC's require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

☒ District Boundary Changes (DBC) [class requested]: Plan Area Development District

☐ Unusual Use:

☐ Use Variance:

☐ Alternative Site Development:

☐ Special Exception:

☐ Modification of previous resolution/plan:

☐ Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.

If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. Is this hearing is as a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the violation notice was served: _____ and describe the violation: _____

16. Describe structures on the property: Vacant Land

17. Is there any existing use on the property? ☒ no ☐ yes. If yes, what use and when established?

Use: _____ Year: _____

Exhibit "A"

Folio No(s): 30-5021-000-0252
30-5020-000-0740

Irwin Potash
Linda Potash
Harry Nateman
Joan Nateman
Lorrane Leitman
Hal Leitman
Lorn Leitman

Folio No.: 30-5020-000-0660

John and Barbara Mudd

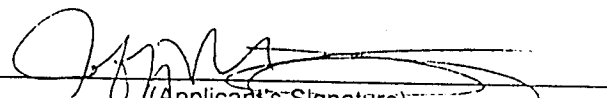
Folio No.: 30-5020-035-0010

Shay of Miami, Inc.

RESPONSIBILITIES OF THE APPLICANT

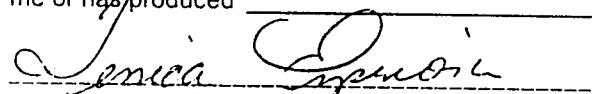
I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed..
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075


(Applicant's Signature)
Jeffrey M. Flanagan

(Print Name)

Sworn to and subscribed before me this 16 day of April, Affiant (is personally known to
me or has produced _____ as identification.


(Notary Public)
My commission expires _____



Jessica Espinosa
Commission # DD273053
Expires: Dec. 7, 2007
Aaron Notary
1-800-350-5161

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature

Sworn to and subscribed to before me
this ____ day of _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest, _____

Authorized Signature

Office Held

(Corp. Seal)

Sworn to and subscribed to before me
this ____ day of _____.

Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %
By _____ %

(Name of Partnership)
By _____ %
By _____ %

Sworn to and subscribed to before me
this ____ day of _____.

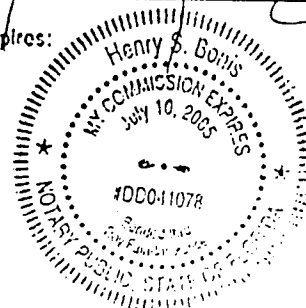
Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, Timothy Lincoln, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Sworn to and subscribed to before me
this 19 day of April, 2004.

Notary Public: _____
Commission Expires: _____



APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Signature _____

Signature _____

Sworn to and subscribed to before me
this ____ day of _____.Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature _____

Office Held _____

(Corp. Seal)

Sworn to and subscribed to before me
this ____ day of _____.Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %
By _____ %(Name of Partnership) _____
By _____ %
By _____ %Sworn to and subscribed to before me
this ____ day of _____.Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, Guy Spiegelman, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Sworn to and subscribed to before me
this 19th day of April, 2004.Notary Public: [Signature]
Commission Expires: _____

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

[illegible]

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

[illegible]

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

[illegible]

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: Robert J. Shelley & Douglas F. Landsea

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
<u>Robert J. Shelley</u>	<u>50%</u>
<u>Douglas F. Landsea</u>	<u>50%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

Date of contract: 04/15/2004

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:


NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature:  (Applicant)

Jeffrey M. Flanagan

Sworn to and subscribed before me this 16 day of April, _____ Affiant is personally known to me or has produced _____ as identification.


(Notary Public)

My commission expires _____



Jessica Espinoza
Commission # DD27305
Expires: Dec. 7, 2006
Aaron Notary
1-800-350-5161

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.